

IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: HERIBERTO DIAZ AVILA

Bkrtcy. No. 10-07208-ESL

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES
AND REPORT ON CONFIRMATION

| | | | | | |
|---|--------------|---|----------------------------|-----------------------------------|----------------|
| Petition Filing Date: | Aug 09, 2010 | Meeting Date | Sep 13, 2010 | DC Track No. | 2 |
| Days from petition date | 35 | Meeting Time | 8:00 AM | | |
| 910 Days before Petition | 2/11/2008 | <input type="checkbox"/> Chapter 13 Plan Date | Aug 09, 2010 Dkt.# 2 | <input type="checkbox"/> Amended. | |
| This is debtor(s) | 1/2 | Bankruptcy petition. | Plan Base: | \$12,000.00 | |
| This is the | 1/2 | Scheduled Meeting | Confirmation Hearing Date: | Oct 06, 2010 | Time: 2:00 PM |
| <input checked="" type="checkbox"/> Payment(s) <input type="checkbox"/> Received or <input checked="" type="checkbox"/> Evidence shown at meeting: | | Ck/MO No. | Date | Amount | Total Paid In: |
| | | mo 2240 | 9-6-10 | \$ 200 00 | \$0.00 |

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| I. Appearances: | | <input type="checkbox"/> Telephone <input type="checkbox"/> Video Conference | <input type="checkbox"/> Creditor(s) present: <input checked="" type="checkbox"/> None. |
| <input checked="" type="checkbox"/> Debtor Present | <input checked="" type="checkbox"/> ID & Soc. OK | <input type="checkbox"/> Debtor Absent | |
| <input type="checkbox"/> Joint Debtor Present | <input type="checkbox"/> ID & Soc. OK | <input type="checkbox"/> Joint Debtor Absent | |
| Debtor(s) was/were | <input checked="" type="checkbox"/> Examined | <input type="checkbox"/> Not Examined under oath. | |
| Attorney for Debtor(s) | <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Not Present | |
| <input type="checkbox"/> Substitute attorney: | <input type="checkbox"/> Pro-se. | | |

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| II. Attorneys Fees as per R 2016(b) Statement | Attorney of record: | JOSE PRIETO CARBALLO* |
| Total Agreed: \$3,000.00 | Paid Pre-Petition: \$376.00 | Outstanding: \$2,624.00 THROUGH THE PLAN |

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| III. Trustee's will file Motion to Dismiss: | <input type="checkbox"/> For Failure to appear; <input type="checkbox"/> For Failure to commence payments. |
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| IV. Trustee's Report on Confirmation & Status of §341 Meeting | | | | | |
| Debtor(s) Income is (are) | <input checked="" type="checkbox"/> Under | <input type="checkbox"/> Above Median Income. | Liquidation Value: | <u>0</u> | |
| Commitment Period is | <input checked="" type="checkbox"/> 36 | <input type="checkbox"/> 60 months. | §1325(b)(1)(B)] Gen. Unsecured Pool: | <u>NO POOL</u> | |
| 100% The Trustee | <input type="checkbox"/> RECOMMENDS | <input checked="" type="checkbox"/> OBJECTS | Plan confirmation. | | |
| §341 Meeting | <input type="checkbox"/> CONTINUED | <input type="checkbox"/> NOT HELD | <input checked="" type="checkbox"/> CLOSED | <input type="checkbox"/> HELD OPEN FOR | DAYS |
| §341 Meeting Rescheduled for: | | | | | |

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| V. Trustee's OBJECTIONS to Confirmation: | | | | | |
| <input type="checkbox"/> FEASIBILITY [§1325(a)(6)] | <input type="checkbox"/> INSUFFICIENTLY FUNDED | <input type="checkbox"/> To pay \$507 | <input type="checkbox"/> Fails Creditor's Best Interest Test | §1325(A)(4) | |
| <input type="checkbox"/> FAILS DISPOSABLE INCOME REQUIREMENTS | <input type="checkbox"/> Failure to comply with Tax returns requirements. | [§1308] | | | |
| <input type="checkbox"/> Failure to comply with DSO requirements | <input type="checkbox"/> Plan not filed in Good Faith | §1325(a)(3) <input type="checkbox"/> Unfair Discrimination §1322(a)(3) | | | |

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|---|--|--|--|--|--|
| ADDITIONAL OBJECTIONS / COMMENTS: | | | | | |
| <p><u>Evidence in Support of DSO Post Pension Payments will be submitted. Tax Returns will be provided.</u></p> <p>_____</p> <p>_____</p> | | | | | |

/s/ José R. Carrión
Trustee


Presiding Officer

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Date: Sep 13, 2010